

60,137-207; 136-3032-U

REMARKS

Applicant wishes to thank the Examiner for the detailed remarks. Claims 1 and 9 have been amended and claims 16-20 have been added. Claims 1-20 are therefore pending.

Claims 1, 2, and 9-11 were rejected under 35 U.S.C. 102(b) as being anticipated by *Cesana*. The claims have been amended and recite that the corner portion comprises an interface for mounting a removable component to the corner portion. The cited reference does not disclose a shower surround having an interface for mounting removable components. Accordingly, claims 1, 2, and 9-11 are properly allowable.

Additionally, Claims 3-8 depend from patentable independent claim 1 and are properly allowable in view of the amendments described above.

Claims 3-6 and 12-15 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Cesana* in view of *Britt*. The Examiner contends that it would have been obvious to one of ordinary skill in the art to modify *Cesana* to provide the removable shelves of *Britt* via slots between projections 18a and 18b and locking members 24a and 24b. Applicant respectfully disagrees. There is no motivation for making the proposed modification. The central column 20 of *Cesana* already includes receptacle cavities (27, 33) for soap or other items. Thus, providing the removable shelves of *Britt* would be redundant. Therefore, one of ordinary skill in the art would not be motivated to make the proposed modification. Accordingly, claims 3-6 and 12-15 are properly allowable.

Additionally, *Britt* teaches away from modifying the central column 20 of the shower cubicle of *Cesana* with the removable shelves of *Britt*. The shelf 21 of *Britt* is for particular use in a cabinet 10 (see col.1, lines 58-67), not a shower cubicle. Therefore, one of ordinary skill in the art following the teachings of *Britt* would be led away from modifying the shower cubicle of *Cesana*. Accordingly, claims 3-6 and 12-15 are properly allowable.

Additionally, *Britt* is non-analogous art. Applicant's invention pertains to modular shower surrounds and *Britt* pertains to cabinets. One looking to solve problems associated with modular shower surrounds would not look to the field of cabinetry for solutions. For this additional reason, claims 3-6 and 12-15 are properly allowable.

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New claims 16-19 have been added and further define Applicant's invention. Claim 16 recites that said top trim comprises an annular frame, which is not disclosed or taught in the cited references. No new matter has been added.

Claim 17 recites that said annular frame includes an opening there through that is generally parallel to said base portion, which is not disclosed or taught in the cited references. No new matter has been added.


Claim 18 recites that said horizontal shelf slots comprise elongated openings that extend into said corner portion, which is not disclosed or taught in the cited references. No new matter has been added.

Claim 19 recites that said horizontal shelf slots comprise at least partially arcuate openings in said corner portion, which is not disclosed or taught in the cited references. No new matter has been added.

Claim 20 recites a shower surround comprising a base portion, a first molded wall portion, a second molded wall portion, a third molded wall portion engaged with said first molded wall portion and said second molded wall portion, and a corner portion engaged with said base portion, said first molded wall portion and said second molded wall portion, said corner portion comprising a multiple of shelves, which is not disclosed or taught in the cited references. No new matter has been added.

Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,

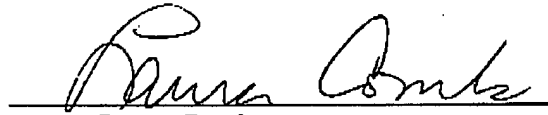

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CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States patent and Trademark Office, fax number (571) 273-8300, on December 14, 2005.


Laura Combs